

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on February 23, 2006. Claims 1-34 are standing for examination. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Deryugin et al. (US 6,373,836 B1) hereinafter Deryugin.

Regarding the standing 102 rejection, applicant has carefully noted and reviewed the rejection, reference of Deryugin and the Examiner's comments. Deryugin is commonly owned with the present application and well known by applicant.

Applicant points out that this is the sixth response submitted by the applicant to the Examiner's rejections and comments. Applicant, again, asserts that, in view of the art presented against the present application, the Examiner simply does not understand or is not dealing with all of the limitations recited in applicant's claims. Clearly, the Examiner does not give patentable weight to key limitations contained in the base claims of applicant's invention. When examining the history of this prosecution, it is clear the Examiner does not adequately understand or respond to the arguments presented by applicant.

Regarding the 102 rejection against claim 1, the Examiner is not considering, throughout this entire prosecution, the clear limitation in claim 1 and 19 wherein the agent status is given to the user before the user connects to the call center. In applicant's invention the user, after receiving agent status, can choose to continue with a connection to the call center or not to continue the call.

Applicant disagrees with the Examiner's interpretation of Deryugin. Applicant argues that Deryugin does not teach a network-based system for enabling users of the

system to obtain current agent-status Information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility. Deryugin teaches receiving a call or transaction request from a user or caller, ascertains the agent status and routes the call accordingly. In the event the call center is unable to send current information, the system routes the call based on historical information from the call center (col. 14, lines 5-26; abstract). Applicant argues that there is absolutely no teaching in the art of Deryugin, or any other art, for applicant's claimed limitation reciting, " wherein the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information, the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user." Applicant points out to the Examiner that in applicant's invention the user gets the agent status based upon the "intent" of the user before a call or Internet request is accepted by the system and routed to a call center or agent.

Applicant points out that the Examiner relies upon Deryugin's 'abstract' to teach said limitation without any further explanation, which in applicant's opinion, is not due diligence on the behalf of the Examiner. The abstract of Deryugin reads as follows:

"An Internet Protocol Network Telephony call center system has a plurality of call centers managed by a central controller. The central controller accepts IPNT calls and routes the calls to the plurality of call centers to be distributed to agents based on status of the call centers maintained in a stat-server coupled to the central controller. The call centers periodically report call center status to the stat-server at the central controller via dedicated data links. In the event of failure of a data link between a call center and the central controller, the central controller continues to route calls by retrieving historical data previously reported for the disconnected call center, estimating the current status of the call center based on the historical data, and using the estimates with current status of other call centers in making routing decisions."

Clearly, the above teaching of Deryugin teaches that call center information is reported to a stat-server, not a user as claimed. Further, the call is accepted for routing before agent status is ascertained at various call centers. The Examiner has failed to show in Deryugin where there is specific teaching of a user receiving agent status based solely on a stated intent of a call from a user.

The Examiner states that the second server recited in applicant's claims is taught by the Web server 114 of Deryugin. Applicant claims that the second server node is accessed by a user, wherein the user states the intent of the call and requests the agent-status information, the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user.

ACD video server 114 of Deryugin teaches that server 114 is a video call server which receives a video call placed by a user to a call center, accesses agent terminal information from Stat server and routes the call accordingly (col. 5, line 4; 45-48, col. 6 lines 21-25, col. 7, lines 9-22).

Applicant argues that Deryugin does not give status of a call to a requesting user, operating the network-capable appliance, prior to actually placing the call as claimed. Applicant argues that the Examiner is still ignoring one of the key limitations of applicant's invention wherein the user, operating the network-capable device, receives the agent status information from the second server, via the first server, before initiating contact with the agent or agents of the information-source facility. Further, there is no connection and communication function between any of the servers referenced by the Examiner which gather and provide agent status information as claimed.

Applicant argues that this is the sixth action and the examiner is still unable to bring a clear and convincing prima facie case of anticipation against applicant's claim 1 for at least the reasons given above. Therefore, claim 1 is clearly patentable over the art

of Deryugin. Claims 2-18 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant's method claim 19 includes limitations argued on behalf of claim 1 and is patentable accordingly. Claims 20-34 are patentable on their own merits, or at least as depended upon a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art presented by the Examiner, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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